



AN TÚDARÁS PÓILÍNEACHTA
POLICING AUTHORITY

Minutes of Meeting of the Policing Authority

Date: 23 October 2019

Venue: 90 King St. North and by Conference Call (CC)

Part A – Authority Meeting

Attendance

Authority: Josephine Feehily (Chairperson), Bob Collins, Pat Costello, Judith Gillespie, Valerie Judge Maureen Lynott (CC), Paul Mageean, Moling Ryan.

Apologies: Vicky Conway

Secretary: Aileen Healy

Staff of the Authority: Helen Hall (Chief Executive), Margaret Tumelty.

1. Chairperson's Opening Remarks

The draft agenda was discussed and approved. No conflicts of interest were declared in relation to any of the matters for discussion.

The Chairperson noted a number of matters which had been discussed by Members meeting in private, including to note the proceedings of the Disclosures Tribunal and arrangements which are underway by the Department of Justice and Equality (the Department) for Authority membership in light of the terms of a number of current members coming to an end.

A number of items of correspondence were noted, including:

- from the Irish Council for Civil Liberties and the Committee on the Administration of Justice and the Chief Executive's response. Members discussed the matter briefly, noting the potential conflict of interests of one member; and
- with the Deputy Commissioner in relation to matters in connection with section 41 of the Road Traffic Act 1994. It was agreed that the matter would be raised with the Garda Commissioner and that the Chairperson would correspond with the Secretary General of the Department of Justice and Equality (the Department) in relation to the matter.

Members noted the work plans for the Garda Síochána (GS) Internal Audit and Professional Standards Units for 2019 and asked that the 2020 work plans be provided early in the year along with details of the risk assessment process considered in devising each plan and the interconnections between the plans.

No.	Action point	By Date	By Whom
A_060_01	The Chairperson to write to the Secretary General of the Department regarding a matter raised in connection with s.41 of the Road Traffic Act 1994.	Nov 19	Chairperson

<i>No.</i>	<i>Action point</i>	<i>By Date</i>	<i>By Whom</i>
A_060_02	The GS to provide their annual work plans for 2020 for the Internal Audit and Professional Standards unit early in the year, together with details of the planning process undertaken and interconnections between the plans.	Jan 2020	GS

2. Minutes and Matters Arising

The minutes of the meetings on 26 September 2019 were agreed and cleared for publication. The log of actions was reviewed and a number of matters noted. Members requested some changes to the presentation of the log to assist in tracking requests for documentation from the GS and there was agreement to close a number of items.

Members noted a number of matters arising from these and previous minutes, noting responses from the GS in relation to requests for information and there was a brief discussion in relation to the GS Diversity and Integration Strategy, victims of crime, culture and recruitment in this regard, with agreement that these matters would be discussed with the Commissioner.

<i>No.</i>	<i>Action point</i>	<i>By Date</i>	<i>By Whom</i>
A_060_03	The Log of Actions to be refined to include additional information requested by the Authority.	Nov 19	Secretary

3. Chief Executive's Report

The Chief Executive's report was taken as read and further updates were provided to Members on a number of matters in the context of the report, including:

- An initial feedback presentation from the European Committee for the Prevention of Torture delegation at the end of its recent visit. It was agreed that the Authority would consider this matter further in 2020 when the delegation's report is available;
- A meeting with the GS with regard to discipline, noting the work that is being undertaken with regard to the revision of the disciplinary system and a number of matters in particular which the Authority needs to keep under active review;
- Authority staffing, including an update on a number of ongoing selection processes; and
- Approval of a preferred bidder to undertake research on victim's experiences.

Members noted the status of the 2019 Corporate Priorities at the end of Quarter 3 and approved a proposal to refer specific items on the monthly correspondence report on an anonymised basis to the Commissioner.

<i>No.</i>	<i>Action point</i>	<i>By Date</i>	<i>By Whom</i>
A_060_04	The Authority to consider the report of the visit from the European Committee for the Prevention of Torture delegation when available.	2020	Authority

4. Committee Updates

4.1. Garda Appointments Quality Assurance and Selection Governance Committee

The Committee had not met since the last Authority meeting.

4.2. Organisational Development Committee

The Committee Chair updated members on the recent Committee meeting, including in relation to:

- Garda recruitment and the continuing unavailability of statistics, including a diversity analysis, in relation to the last recruitment competition for Gardaí;
- Performance management in the GS, noting issues in relation to implementation of PALF as a single solution for the organisation, uneven implementation of training of Garda members and staff, variations in regional operation of performance management, the absence of a link to mechanisms to address poor performance and the low number of goals set;
- Data on sign-up to the Code of Ethics and assurances to the Commissioner regarding the reliability of the revised data in light of the statutory requirement for the Commissioner to maintain a record of the steps taken in relation to ensuring that each member has read and understood the code;
- Progress with Garda redeployment, noting that it is unlikely that the 2019 target can be reached, a number of barriers to redeployment revealed by the census undertaken earlier this year and the lack of a clear pathway to a solution to these issues; and
- Sergeant and Inspector promotion processes, noting lack of detail regarding proposed new processes, apparent lack of progress in finalisation and implementation of reforms and the consequent delays in holding competitions for these ranks.

Members noted that it has come to their attention that there are a number of GS organisation strategies being prepared without apparent connection to analysis of the underlying issues, that there is a lack of connection between strategies and implementation and inconsistent language is used in different documents where common terms would assist in providing a joined up view for staff. Members requested that, in future, it would be useful if underlying analyses could be provided to the Authority in advance of finalisation of the associated strategy documents.

4.3. Policing Strategy and Performance Committee

The Committee had not met since the last Authority meeting.

4.4. Policing Reform Working Group

Correspondence from the Department in relation to the general schemes of the Policing and Community Safety and Police Powers bills and to future arrangements for transition to the new oversight body was noted. In relation to the latter item, it was agreed that the Policing Reform Working Group would meet with the Chief Inspector in the coming weeks.

No.	Action point	By Date	By Whom
A_060_06	The Policing Reform Working Group to meet with the Chief Inspector to discuss future transition and related matters.	Nov 2019	Policing Reform Working Group

5. Audit, Governance and Risk

The Committee had not met since the last Authority meeting.

The Committee Chair updated Members in relation to the Risk Management Report, noting the escalation of the rating of a number of risks in light of emerging circumstances, and these were discussed in greater detail. Members discussed the operation of the risk management system with the Chief Executive, noting her confirmation that risk is a live issue and a routine item for discussion at all levels in the organisation.

No.	Action point	By Date	By Whom
A_060_07	The Risk Register to be updated in light of the Authority's review and discussion.	ASAP	Chief Risk Officer

6. Garda Síochána Appointments

The Secretary briefed members on the outcome of the clearance process in respect of two candidates on the Superintendent panel. Members considered the outcome of the clearance process and appointed the candidates with effect from the date of taking up their position as assigned by the Garda Commissioner. It was noted that this brings to 100 the number of appointments to the senior ranks of the GS made by the Authority since the commencement of its appointments functions, representing 45% of the total complement in the ranks for which the Authority has responsibility for selection and appointment.

Members noted progress with regard to the ongoing Chief Superintendent selection competition and discussed, subject to a satisfactory standard being reached, the indicative size of the panel of candidates that would be required for the twelve month period during which appointments would be made from the resulting panel.

Progress in relation to the recruitment campaign being run by the Public Appointments Service (PAS) for the position of Deputy Commissioner in the GS was noted. It is expected that a report from PAS will be provided on conclusion of the process at the end of the month, which it will be necessary for the Authority to consider in the context of making a nomination to the Government under section 10 of the Act.

No.	Action point	By Date	By Whom
A_060_08	Further to appointments to the rank of Superintendent in the GS, the Chief Executive to notify the persons of their appointment.	ASAP	Chief Executive

<i>No.</i>	<i>Action point</i>	<i>By Date</i>	<i>By Whom</i>
A_060_09	The Commissioner to be notified of the appointments made by the Authority.	ASAP	Chief Executive

7. Appropriation Account 2018 and Estimates for 2020 – Vote 41 Policing Authority

Members noted the published Appropriation Account 2018 for the Authority's Vote and the clear audit report by the C&AG. The Estimate provision for 2020 which was published on Budget Day was noted and members discussed the new requirement for inclusion of impact indicators in the 2020 Revised Estimates.

8. Policing Priorities 2020

Members noted the consultation with the Garda Commissioner in relation to the draft Policing Priorities for 2020, noting the Commissioner's satisfaction with the Authority's approach and recommended that the draft be submitted for the Minister's approval in accordance with section 20(2) of the Garda Síochána Act 2005 (as amended).

<i>No.</i>	<i>Action point</i>	<i>By Date</i>	<i>By Whom</i>
A_060_10	The Policing Priorities for 2020 to be submitted to the Minister in accordance with section 20(2) of the Act.	ASAP	Chairperson

9. Preparation for meeting with the Garda Commissioner

Members discussed the agenda for the meeting and agreed the matters to be discussed with the Garda Commissioner and his team.

10. Documents for Noting by the Authority – October 2019

The following documents were noted by the Authority:

	<i>Document</i>	<i>Action Required</i>
D_060_01	CSO Recorded Crime Statistics Q2 2019	For noting
D_060_02	Garda Síochána Internal Audit Plan 2019-21	For noting
D_060_03	Garda Síochána Professional Standards Unit Workplan 2019	For noting
D_060_04	Correspondence to PAC from Garda Síochána discussed at PAC meeting on 17/10/19	For noting
D_060_05	British-Irish Parliamentary Assembly Report on Cross Border Police Cooperation and Illicit Trade	For noting

Part B – Authority Meeting with the Garda Commissioner in private

Attendance

Authority and Executive: As for Part 1

Garda Síochána: Drew Harris (Garda Commissioner), John Twomey, (Deputy Commissioner) Joe Nugent (Chief Administrative Officer), John O’Driscoll (Assistant Commissioner), David Sheahan (Assistant Commissioner), Kevin Daly (Superintendent), Gráinne Shortall (Assistant Principal).

11. Commissioner’s Monthly Report to the Authority

Members discussed the Monthly Report with the Commissioner including the following matters:

- The progress in implementation of performance management in the GS. Members expressed concerns about the lack of systems in place for performance management for Garda staff, training and engagement on the PALF system and resistance to use of the system. Members expressed surprise that the better developed PMDS system in use across the civil service, which is linked to the award of salary increments, was not being used and concern that the nascent PALF system will not deliver the performance uplift that the organisation requires. The Commissioner acknowledged that engagement with PALF has been patchy and slow to date but that, as with the Code of Ethics, it will be mandatory from January 2020 and engagement will be a prerequisite to promotions and other career opportunities. In response to Member’s questions the Commissioner confirmed that there is no resistance to the system at senior levels and that it is envisaged that a number of additional individual goals will be required in addition to the two required at present. Members expressed the need for a culture of performance as part of the overall culture of the Garda Síochána, which needs to be supported by clarity for staff about what is expected of them, feedback on how they are performing against those expectations and learning and development supports identified, which in turn contribute to preparation for career progression. The Commissioner agreed to take these points on board in consideration of the next steps in relation to performance management.
- Organisational strategies. The underlying analysis on which strategies are based, the connection between organisational strategies and their implementation and the need for an overarching structure, interconnections and a common language and style to make strategies real more accessible to staff were discussed;
- Data on sign-up to the Code of Ethics and the quality of the data. Members expressed concern about the relatively low sign-up by Garda staff, which the GS noted was due in part to staff turnover and a high intake rate of staff who had not yet received induction training. There was a discussion of plans for the roll-out of outstanding training and Members noted the benefits of face to face training in mixed groups for all staff as an initial training intervention for the Code of Ethics. The Commissioner confirmed that this would be the ongoing approach for all new recruits and new Garda staff as part of induction. The Commissioner confirmed that his vision for Culture will be communicated in the organisation in the context of the staff engagement charter which is nearing completion.
- The Culture audit and plans to undertake the next audit to measure progress in implementing the new culture. Members emphasised the need to measure progress against the baseline set by the 2018 audit and hoped to see a report by the third quarter of 2020.

12. Appropriation Account 2018 and Estimates for 2020 – Vote 20 – Garda Síochána

Members welcomed the additional provision for the Garda Síochána Vote in the 2020 Estimates and there was a discussion about how these resources would be allocated and whether, as the year progresses, a start can be made in relation to the areas for which requested funding was not provided. The requirement for the inclusion of impact indicators in the 2020 Revised Estimates was discussed and Members emphasised the need for these to be aligned with the 2020 Policing Plan together with the expectation that the 2020 REV, as a proxy for the resources to achieve the plan, would be appended to the Policing Plan.

13. Brexit Preparedness

There was a discussion about preparedness for Brexit and the GS outlined the preparations that are in train and responded to Members questions in relation to a range of related issues.

In response to a question about immigration checks, the GS outlined in detail the procedures in place in the Garda National Immigration Bureau and agreed to provide further information to the Authority regarding how checks are carried out with due regard to human rights.

14. Hate Crime

Members welcomed the publication of the GS Diversity and Inclusion strategy. It was noted that HR are also in the process of preparing an Equality, Inclusion and Diversity Strategy for the organisation which should complement the externally facing strategy. Members felt that there was a lost opportunity to have an integrated strategy to deal with all aspects of these important issues.

Members questioned the Commissioner about his level of confidence regarding reporting of hate crime, noting that this has become more prominent and based on a range of discriminatory grounds including colour, age and socio-economic status. The GS outlined how hate crime is policed in response to a number of questions from members, including in relation to:

- Promotion of the new diversity strategy throughout the organisation, noting that this will also cover the internal strategy with a poster campaign, speakers at various GS conferences and a guidance document to assist with responding to hate crime incidents which will be available in the coming weeks;
- Training for members on how to communicate with victims, noting the intended procurement of training tailored to the GS needs and a review of all diversity training interventions;
- Recording of incidents on PULSE and how proposed upgrades will facilitate monitoring and reporting of hate crime incidents. The relevant PULSE upgrades are due to be implemented in the next phase and it was confirmed that the specifications are being prepared in consultation with GISC, IMS, GSAS and the Homicide Review Group;
- Whether the new Investigation Management System will contribute to the identification of hate crime;
- The disproportionate corrosive impact on victims of hate crime; and
- How the priority of improved trust and confidence of society will be measured and disaggregated in terms of the levels of satisfaction of diverse groups and the importance of identifying from the outset what measures are required and how data will be gathered.

15. Roads Policing

Members sought clarification in relation to correspondence from Deputy Commissioner Twomey regarding s41 of the Road Traffic Act, noting that a response to the Authority's queries on the matter had been received earlier in the day which members had not had an opportunity to consider. Members raised concerns regarding the nature of the matter and the impact on citizens, the extent of which is still being quantified. Members queried how there could have been a failure to know about changes in the law by the Garda organisation, given the direct impact on Garda powers and in the context of the extensive routine interactions with the Departments of Justice and Equality and Transport, Tourism and Sport and the Road Safety Authority and questioned how such changes are monitored and planned for in terms of providing relevant members and staff with revised operating procedures. Members expressed incredulity that this situation could have happened and that there are no apparent systems in place to prepare for changes in the law which impact adversely on citizens, querying whether there are any similar situations which have arisen in this manner. It was agreed that the Authority would keep this matter under review and that the Chairperson would raise the Authority's concerns with the Department.

16. Management of DNA Sample Discrepancies

Members thanked the GS for their comprehensive update on the matter and discussed issues arising including:

- Quality of DNA samples;
- Training;
- Sampling for elimination purposes; and
- Data protection concerns in the event of missing samples.

The GS confirmed that work is continuing to address these matters including by:

- Continuing to trace samples, with no evidence as yet that any samples have been lost;
- Engagement with the Data Protection Commissioners Office;
- Review and revision of procedures and practices including the reversal of the practice of local destruction of samples;
- Working with Forensic Science Ireland to ensure compatibility of systems; and
- Provision of detailed instructions and video on the Garda portal on taking and managing DNA samples.

It was noted that there is a DNA oversight group in place and that further details about this group would be included in the final report, which is expected to be finalised in a couple of months.

17. Assaults in Public: Reduction Strategy 2019-2021

The Strategy was discussed and the GS confirmed that analysis of assaults data was used to inform the strategy. Members agreed that it would be useful to see this analysis in addition to data on domestic violence disaggregated from general assaults. It was noted that, while progress has been made on work to disaggregate this data, it is not always possible to distinguish between assault and domestic violence incidents due to how they are recorded and that more work needs to be done in this area. Members noted that this lack of data reinforces concerns about the lack of robust analysis before developing strategy and setting a baseline for measuring effectiveness. It was confirmed that the Garda Analysis Service have a

central role in the analysis of trends and identification of prolific offenders. Members sought clarification as to how the Commissioner will get assurance that progress is being made towards the goals set out in the strategy and the reporting mechanisms in place were outlined. Members asked that the GS look at activity data in this context and agreed that the Authority would revisit this topic and review this data when available.

18. Other Business

There was a brief discussion in relation to a number of items including:

- Clarification of data requested in relation to the disciplinary follow up to the review of the operation of the Youth Diversion programme;
- Numbers of Gardaí who have received driver training;
- Progress in developing a reserve strategy, after which Members requested a copy of the referred to review which is informing this strategy; and
- HR related matters where there appeared to be an inconsistency between how different cases were dealt with and which the Commissioner agreed to re-visit.

Actions arising:

No.	Action point	By Date	By Whom
A_060_11	The GS to provide the report of the 2020 Culture audit to the Authority.	Quarter 3 2020	GS
A_060_12	The GS to provide further information to the Authority regarding procedures and guidance for immigration checks undertaken by the GNIB	Nov 19	GS
A_060_13	The GS to provide the final report of their review of the management of DNA samples to the Authority, to include details of the governance arrangements in place over DNA samples.	Jan 2020	GS
A_060_14	The GS to provide activity data with regard to monitoring progress against the Assaults in Public: Reduction Strategy 2019-2021 and the Authority to revisit this agenda item when the data is received.	July 2020	Authority & GS
A_060_15	The GS to provide a copy of the review in relation to the Garda Reserve.	Nov 19	GS
A_060_16	The GS to review a HR related matter and revert to the Authority.	Nov 19	GS
A_060_17	The GS to provide their anti-fraud policy to the Authority	Nov 19	GS
A_060_18	The GS to provide data relating to the number of Garda Members who will not be subject to disciplinary actions arising from the review of the Youth Diversion Programme.	Nov 19	GS

No.	Action point	By Date	By Whom
A_060_19	The GS to provide data relating to the numbers of Gardaí who have received driver training.	Nov 19	GS